Supreme Court, U.S.
FILED
OCT 11 1994
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No. 94-615

In The

Supreme Court of the United States

October Term, 1994

In re Petition of
JOHN and JANE DOE, Husband and Wife,
to Adopt BABY BOY JANIKOVA,
a minor, by his guardian ad litem,
Edward J. O'Connell,

Petitioners,

v.

OTAKAR KIRCHNER,
Father of Baby Boy Janikova,

Respondent.

Petition For Writ Of Certiorari To The Illinois Supreme Court

BRIEF OF RESPONDENT IN OPPOSITION TO CERTIORARI

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This Petition for Certiorari is the second request for review of a decision of the Illinois Supreme Court, entered on June 16, 1994, reversing a finding of unfitness against Respondent Otakar Kirchner and vacating the trial court orders dependent on that finding, namely the orders terminating Mr. Kirchner's parental rights and allowing the adoption of his son ("Richard"). In answer to the first Petition for Certiorari (Case No. 94-236), which was filed on August 8, 1994, on behalf of Richard's guardian *ad litem,* Respondent has previously filed both a Brief in Opposition to Certiorari (dated September 8, 1994) and a Supplemental Brief in answer to a Brief *Amicus Curiae* filed on behalf of Jim Edgar, Governor of Illinois (dated September 28, 1994).

The instant petition, filed on behalf of Richard's current custodians, adds nothing of substance to the arguments already made to this Court in the original Petition and the *Amicus* Brief in support thereof; rather, it has served only to impede progress towards a final resolution of the legal dispute over the future of a young boy who is now more than three and one half years old.[1] Because Mr. Kirchner does not wish to contribute to the further delay engendered by this Petition, he hereby incorporates his Brief in Opposition and his Supplemental Brief filed in

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[1] The Illinois Supreme Court sought to encourage the expeditious review of this case by issuing an Order on July 13, 1994, staying enforcement of its mandate, with the stay to remain in effect until August 10, 1994, or until the final resolution of a request for review filed with this Court on or before August 9, 1994. *See* Appendix A.

Case number 94-236, as a full and complete response to the arguments in the Petition.

CONCLUSION

For the foregoing reasons, Respondent Otakar Kirchner respectfully requests that this Court deny the Petition for Certiorari.

Respectfully submitted,

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APPENDIX A

No. 76063

IN THE SUPREME COURT OF ILLINOIS

IN THE MATTER OF THE PETITION OF JOHN DOE and JANE DOE, Husband and Wife,	)	Appeal from the Circuit Court of Cook County, County Department, County Division
Petitioner-Appellees,	)	No. 91 CoA 364,
TO ADOPT BABY BOY JANIKOVA, "RICHARD," A Minor,	)	Hon. Eugene L. Wachowski, Judge Presiding
Respondent-Appellee,	)	Appellate No. 1-92-1552
v.	)	
OTAKAR KIRCHNER,	)	
Respondent-Appellant.	)	

ORDER

(Filed Jul. 13, 1994)

THIS CAUSE coming to be heard on the minor-respondent-appellee's motion to stay the mandate of this Court in the above cause pending petition for writ of certiorari in the United States Supreme Court, this court being fully advised in the premises.

IT IS HEREBY ORDERED that the mandate of this Court in the above cause is stayed until August 10, 1994.

IT IS FURTHER ORDERED that if *certiorari* is applied for or notice of appeal filed on or before August 9, 1994,

the mandate of this court shall, upon proof of such filing being made by affidavit filed with the clerk of this Court, be further stayed pending resolution by the United States Supreme Court of such application or appeal.

In the interest of expediting these proceedings, IT IS FURTHER ORDERED that no extensions of this stay shall be granted.

7-13-94
Date

/s/ James D. Heiple
JUSTICE